



# *The* **Research** *Review*

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104th General Assembly

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*Pictured above: Speaker Jimmy Naifeh, Comptroller John Morgan and Treasurer Dale Sims in a lighter moment during a recent Finance Committee budget hearing.*

## *House Committee Activity March 28—31, 2005*



**Matt Barnes**  
Agriculture  
Commerce

**Lawrence Hall, Jr.**  
State and Local Government

**Pam Mason**  
Education

**Judy Narramore**  
Health and Human Resources

**Shannon Romain**  
Children and Family Affairs  
Consumer and Employee Affairs

**Kristina Ryan**  
Government Operations

**Rachel Thomas**  
Conservation and Environment  
Transportation

**Julie Travis**  
Finance, Ways and Means

**Jamie Wyatt**  
Judiciary

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Analyst

**Denise Sims, Director**  
741-3025

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## Agriculture

Matt Barnes

The **Agriculture Committee** met on March 29<sup>th</sup> with five bills on the calendar.

HB 0222 (Davidson) was taken off notice. The bill called for exempting from sales taxes the purchase of water used to aid in the growth of plants for food or fiber. HB 0148 (M. Turner) was also taken off notice. It added breeders, who buy or sell for profit more than one litter of pups annually, to those requiring licenses. It also required such breeders to have specific space requirements for each adult dog.

HB 0150 (M. Turner) and HB 0690 (Hensley) were rolled two weeks. HB 0150 deals with compliance with streamside management. HB 0690 increases the cigarette tax.

The one item taken up in the meeting was **HB 2163** (Kelsey). Under this bill, “hogs” would be added to those animals currently in the statute for which it is a

Class E felony to own, train or use for sport fighting. Rep. Kelsey said this was intended to prevent the practice of “Hog-Dog Rodeos” – sport fighting between swine and dogs. In these “rodeos,” bolt cutters are used to cut off the tusks of hogs. The hogs are then placed in areas with dogs who are then allowed to fight them to the death.

Rep. Kelsey acknowledged that he knew of no documented cases of this occurring in this state, but he said there have been such cases in South Carolina and in states bordering Tennessee. There were questions relating to those who may own boars for the purpose of training hunting dogs, but Rep. Kelsey said this bill does not relate to those practices. The bill was voted on and sent to Finance, Ways and Means.

*(Summary by Denise Sims)*

## Children and Family Affairs

Shannon Romain

The **full committee** referred **HB 0855** (Rep. Hawk) to Finance, Ways and Means. The bill clarifies that the courts of this state must honor valid orders of other courts of regarding the collection of debts, including child support and alimony orders, that direct that one party is responsible for the debt.

According to the sponsor, general sessions courts across the state are disregarding the orders of other courts with respect to certain financial liabilities of parents under parenting plans. For instance, parents may agree under a parenting plan to share certain bills following their divorce, such as their children’s medical bills. One parent pays the

agreed upon amount, however, the other parent fails to pay, ultimately resulting in a creditor seeking a judgment against the parent from whom they feel they have the best chance of collecting the outstanding debt - usually the parent that has already demonstrated a ability to pay. In at least one instance, a sessions court granted a creditor a judgment against a parent for the outstanding portion of the bill, despite the fact that the parent had paid their portion of the debt and presented the parenting plan as proof that the other parent agreed to pay the remaining debt.

Under present law, in most instances, the parent who pays the entire debt, despite the agreement under the parenting

plan, has recourse to sue the negligent parent to recoup any losses; however the sponsor acknowledged that the parents, courts and creditors are aware that often it is difficult to recover money in such cases and seeking a judgment could result in court costs and attorney fees for the petitioner.

An amendment to the bill removes the fiscal note and ensures that the restrictions within the bill do not apply to the enforcement of child support orders by the Department of Human Services or their contractors.

### **Domestic Relations Subcommittee**

The committee did not meet. The following bills on the calendar were deferred one week:

**HB 0494** (Rep. DuBois)

**HB 2268** (Rep. McMillan, Rep. Marrero)

### **Family Justice Subcommittee**

All bills on the calendar were deferred as follows:

**HB 0998** (Rep. Bowers) – 2 weeks

**HB 0565** (Rep. Towns) – 2 weeks

**HB 2304** (Rep. McMillan, Rep. Vaughn) – 1 week

## **Commerce**

Matt Barnes



*Members of the House Commerce Committee*

The **Commerce Committee** met Tuesday to consider seven bills.

**HB 0731** (Harrison) creates exceptions to the requirement that rate increases for residential basic local exchange service not exceed inflation. One such exception is created through rate regrouping based on population growth or expanded local calling, whereby the number of end-users within a rate group increases to the point that the rate group no longer corresponds to the defined rate group within the carrier's approved tariffs. [*passed to Calendar and Rules*]

## Commerce, continued

**HB 1784** (Curtiss) requires all title pledge lenders to be licensed through the Department of Financial Institutions, as opposed to present law that requires such lenders to petition their county clerks to conduct business. A Government Operations amendment traveling with the bill institutes a civil penalty of not less than \$50.00 nor more than \$1,000 for each violation of rules issued pursuant to this legislation. [*rolled for one week*]

**HB 1639** (DuBois), with an amendment that re-writes it, allows a director, officer or committee member of an insurance company to hold ownership interest in another company and receive dividends if such stock or ownership interest is disclosed to the insurance company. The director, officer or committee member may also serve as a director, officer, committee member, employee or agency of another entity. [*passed to Calendar and Rules as amended*]

**HB 1352** (Curtiss) changes the requirements for becoming a director of a dental service plan corporation. Instead of a majority of the directors being licensed Tennessee dentists, the board shall simply include licensed Tennessee dentists. Vice-chair Curtiss said present law violates anti-trust and HIPAA provisions. [*passed to Calendar and Rules*]



**HB 2305** (McMillan, Pinion) increases from \$45 to \$75 the maximum fee for each conversion of a vehicle

salvage document to a rebuilt title. [*passed to Finance, Ways and Means*]

**HB 1785** (Hargrove), for credit life insurance issued after December 31, 2004, establishes options when calculating premiums for maintaining aggregate reserves required by law. Insurers may use the 2001 Commissioner's Standard Ordinary Male Composite Ultimate Mortality Table in lieu of the 1980 Commissioner's Standard Extended Term Table and other factors. The National Association of Insurance Commissioners adopted the updated table last year to replace the 1980 table. [*passed to Calendar and Rules*]

**HB 0743** (Curtiss), with an amendment that makes the bill, renders void and unenforceable any contract provision executed on or after July 1, 2005, that waives a right of a mechanics' or materialmen's lien. [*passed to Calendar and Rules as amended*]

## Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** rolled all eight bills on calendar at its Tuesday meeting. **HBs 0050** (Sargent), **0221** (Davidson), **2276** (McMillan, Hargrove) and **2100** (Borchert) were rolled two weeks, while **HBs 1300** (Sargent), **1353** (Curtiss) and were rolled for one week.

**HB 2150** (Briley), which was also rolled one week, prohibits personal or commercial risk insurance policies from excluding punitive damages, except for insurance written by a surplus lines insurer. The sponsor said he brought this bill in response to action taken by the Department of Commerce and Insurance that reverses long-standing policy related to the issue. Chairman McKee said several parties had expressed concern over the bill because of its appearance as a mandate. The sponsor agreed to roll the bill for further contemplation.

## **Industrial Impact, continued**

**HB 2099** (Borchert) was rolled to the last calendar along with **HB 1636** (McKee), which was not on calendar but essentially has the same effect. Both require a surveyor, when surveying an adjoining property, to notify the owner of the adjoining property. Chairman McKee said the bills are intended to address what is mainly a rural problem. What has recently become apparent, however, is the lack of an adequate definition of “disputed property line” in the code. The parties would like to come up with such a definition to “put teeth in the code,” according to Chairman McKee.

### **Small Business Subcommittee**

The **Small Business Subcommittee** did not meet this week. The only bill on calendar, **HB 1346** (Shepard), was taken off notice.

### **Utilities and Banking Subcommittee**

The **Utilities and Banking Subcommittee** took up only one bill at its Wednesday meeting. **HB 0301** (Kernell) was rolled one week and **HB 1235** (Johnson, R.) taken off notice.

**HB 0681** (Litz), with an amendment that re-writes it, makes the provisions of the Manufactured Home Installation Act requiring French drains inapplicable to manufactured homes installed in an area operating as a trailer park on or before January 1, 2004. The trailer park must have all underground utilities, and the homes therein must be otherwise installed to prevent water build-up, shifting or settling of the foundation, dampness, damage to siding and bottom boards, buckling of walls and floors, and problems with the operation of doors and windows. *[passed to full committee as amended]*

## **Conservation and Environment**

Rachel Thomas

### **Full Committee**

The full **Conservation and Environment Committee** convened March 30, 2005, to discuss two bills and one joint resolution. **HJR 174** (Newton), which was passed to the Calendar and Rules Committee, urges Tennessee’s Congressional delegation to take necessary action to obtain National Heritage Area designation for the Cherokee Overhill Territory. **HB 1268**, by Representative Tidwell, was also passed to the Calendar and Rules Committee. This bill prohibits persons from engaging in computer-assisted remote hunting in the state. Representative R. Johnson’s **HB 855** passed to the Finance, Ways, and Means Committee. This bill exempts the sale of hybrid-electric vehicles from state sales and use tax.



***Rep. R. Johnson***

## **Conservation, continued**

### **Environment Subcommittee**

The **Environment Subcommittee** met on March 30, 2005, to consider six bills. **HB 1996** (Odom), **HB 2273** (McMillan/Odom), **HB 105** (McDonald), and **HB 659** (Kernell) were deferred for one week. Representative McDonald's **HB 318** was rolled for two weeks. The only bill that passed to full committee was Representative Sargent's **HB 49**. This bill creates an exemption from prohibition against requiring an excavation of a pre-existing subsurface sewage disposal system prior to issuing a building permit.

### **Parks and Tourism Subcommittee**

The **Parks and Tourism Subcommittee** did not meet this week.

### **Wildlife Subcommittee**

The **Wildlife Subcommittee** convened on March 29, 2005, to consider four bills. All of the bills were passed to the full committee. They are summarized as follows:

**HB 783** (DuBois)—As amended, this bill authorizes the Tennessee Wildlife Resources Agency to issue resident licenses to be valid for periods of time exceeding one year.

**HB 796** (Matheny)—As amended, this bill increases the penalty for hunting or shooting across a public road to a Class A misdemeanor.

**HB 1266** (Tidwell)—Declares the small-mouth bass as the state sport fish.

**HB 1267** (Tidwell)—As amended, this bill adds grandchildren and great-grandchildren to the list of family allowed to hunt and fish on their family's land without a license.

## **Consumer and Employee Affairs**

Shannon Romain

In the **full committee**, **HB 1782** (Rep. Curtiss) was referred to Finance, Ways and Means. Under current law, every elevator must have the means to hold a two-way conversation by means of a dedicated telephone line. Under this bill, as amended, elevator owners and operators will have the option to take advantage of technology that allows simultaneous operation of more than one communication device in the elevator. The amendment will also remove the \$2,400 fiscal note on the bill.

The following bills were deferred 2 weeks:

**HB 0039** (Rep. Bowers) – 2 weeks

**HB 0555** (Rep. Bunch) – 2 weeks

### **Consumer Affairs Subcommittee**

Two bills were referred to the full committee. Under **HB 1290** (Speaker Pro Tempore DeBerry), it is an unfair or deceptive act for a clothing retailer to refuse, for any reason, to accept the return of clothing or accessories for a refund or credit that was sold at retail directly to a consumer if the following conditions apply:

1. The purchaser presents satisfactory proof of purchase;
2. The merchandise exhibits no signs of damage, wear or cleaning;
3. All tags and stickers attached or affixed at the time of the sale are attached or affixed upon return of the item; and

## Consumer, continued

4. The merchant did not reasonably indicate that the merchandise could not be returned or it was not marked or advertised as “final”, “no return”.

The committee recommended an amendment to the bill that gives consumers five days to return the merchandise and requires that a purchaser show proof of identification in the form of a drivers license prior to returning merchandise.

**SJR 0039** (Sen. Cohen) urges the United States Congress to enact legislation banning the production, importation, manufacture, or distribution of products containing asbestos in the United States and encourages members of the Tennessee Congressional delegation to support such legislation. It further encourages the creation of a public awareness program to educate citizens on the dangers of asbestos and designates September 7, 2005 as “Asbestos Awareness Day in Tennessee”.

**HB 0705** (Rep. Cooper) was deferred two weeks.

## Employee Affairs Subcommittee

**HB 2303** (Rep. McMillan, M. Turner) was referred to the full committee. It is an administration bill that

seeks to bring the state into compliance with the federal State Unemployment Tax Act (SUTA) Dumping Act of 2004. The purpose of the bill is to prevent Tennessee companies from merging or acquiring new companies and transferring employees to the payrolls of the newly acquired business for the sole purpose of obtaining a lower unemployment experience rating. The bill lists specific objective criteria that must be used to determine whether a company has engaged in dumping. It also assigns penalties for knowingly engaging in dumping, which is designated as a Class E felony, as well as penalties against any person that advises an employer to engage in dumping.

The committee recommended an amendment to the bill that makes it a Class A misdemeanor and clarifies that neither a staff leasing company nor its clients shall be considered a successor employee for the purposes of the Act and that neither shall acquire the experience history of the other.

**HB 0756** (Rep. Clem) was deferred until the second committee calendar of 2006.

**HB 0738** (Rep. Bunch) was deferred one week.



*Rep. Turner (File Photo)*

# Education

Pam Mason

## The Full Committee

Referred to Finance, Ways & Means, if amended:

**HB 2333** – (Winningham) enacts the Governor’s Pre-K program. In 1998 the state began a pilot Pre-K program in Tennessee. It has proven to be highly effective and recognized nationally for its achievements. This legislation expands this program to more children. As amended this bill provides the following.

- Gives local LEA control of deciding if and how a community will have a Pre-K program.
- Gives local flexibility and encouragement to build partnerships with non-profit, for-profit, and/or Head Start programs.
- Allows locals to obtain financial partners to support local matching dollars.
- As a pay-as-you-go program, it can be expanded as finances and needs dictate.
- Creates an Office of Early Learning within the Department of Education.
- Requires local Pre-K Advisory Councils be established before applications are submitted.
- Local school districts will match state dollars on the BEP shared cost model.
- Existing Pre-K programs under the pilot project will be grandfathered into this initiative.
- Allows for employment of education assistants with a high school diploma and relevant experience in Pre-K or other childhood programs, in certain circumstances.
- Applications targeting at-risk children, not served by an existing program, shall be given preference in the application process.
- Local financial support will also be considered in applications.
- Programs will have a maximum class size of 20 with a licensed teacher certified in early childhood education; a least 1 educational assistant per classroom; and a daily minimum of 5 ½ hours of instructional time.

Requires an annual report to the Governor and the General Assembly on the status including, at a minimum, the number, location and types of providers of Pre-K classrooms and the number of at-risk students served.

Deferred 1 week:

**HB 2114** – (Jones, S.)

**HB 212** – (Briley)

Taken off Notice:

**HB 748** – (Winningham)

**HB 1535** – (Winningham)

## Higher Ed Subcommittee

The following action was taken on the one item on the Higher Ed Subcommittee calendar.

Referred to Full Committee:

**HB 1295** – (Newton) creates a new nursing scholarship program for nursing school teachers.

## K-12 Subcommittee

The K-12 Subcommittee met on Tuesday to consider its calendar. The following actions were taken.

Referred to Full Committee:

**HB 2017** – (Fitzhugh) authorizes the Tennessee Local Development Authority to develop an enhanced program for financing LEA capital outlay projects. This program will allow local governments to use the state’s credit rating when obtaining bond financing for education projects.

**HB 900** – (Cooper) requires that students in grades K-six be given either an in-school suspension or attendance in an alternative school when suspended.

**HB 675** – (Maddox) authorizes an LEA to spend



### **K-12 Subcommittee, continued**

extended contract money in any way it determines best to meet the needs of programs served through extended contract dollars. Proposals will be submitted to and approved by the department of education.

**HB 2113** – (Winningham) requires the state board of education to include in curricula for public schools issues regarding violence affecting children.

**HJR 182** – (Winningham) urges Congress to continue funding of U.S. Department of Education targeted cuts.

**HB 1545** – (Winningham) specifies conditions for a local public education system to budget and expend accumulated fund balances before appropriation by the local legislative body.

**HB 1262** - (Winningham) specifies conditions for a local public education system to budget and expend accumulated fund balances before appropriation by the local legislative body.

Referred to Full Committee, if amended:

**HB 445** – (Fowlkes) sets guidelines for LEAs that wish to implement a program identifying children who are at risk for obesity.

Deferred for 1 week:

**HB 954** – (Hargett)

**HB 1378** – (Hargett)

**HB 1654** – (McKee)

Deferred for 2 weeks:

**HB 550** – (Bunch)

Deferred for 3 weeks:

**HB 374** – (Casada)

**HB 1419** – (Jones, U.)

Taken off Notice:

**HB 347** – (Newton)

**HB 901** – (Cooper)



## Finance, Ways & Means

Julie Travis

### The Full Committee

The House Finance, Ways, and Means Committee met on Tuesday, March 29, 2005 to discuss and take action on the ten bills placed before the committee. All bills but one were referred to Calendar and Rules. The one bill that did not pass out of full committee was **HB 800 (Baird)** which was deferred for three weeks, after being amended with Budget Sub Amdt. No. 2, thus making that particular amendment House Finance Amdt. No. 3.

### The bills that passed out of House Finance are as follows:

**HB 719** (West) – This bill names the bathhouse at the Gee Creek Campground in Hiwassee/Ocoee Scenic Rivers State Park in honor of Rob Skinner. It further directs the Commissioner of Environment and Conservation to erect or affix suitable signs designating the bathhouse facility as the “Rob Skinner Bathhouse.” The manufacture and installation of the signs is to be paid with nonstate funds by the Department of Environment and Conservation within one year of the

effective date and any unused portion of funds will be refunded by the Department.

**HB 78** (Hargrove) – This bill exempts certain employees of vehicle rental companies from having to obtain a limited lines producer license for the purpose of selling insurance in connection with motor vehicle rentals. The state currently does not collect these revenues or issue these types of licenses thus resulting in forgone state revenues of less than \$10,000.

**HB 1575** (West) – This bill stipulates that all judgments obtained in Davidson County are liens upon the debtor’s land as soon as a certified copy of the judgment is registered in the register’s office where the land is located. As amended in Judiciary, the application of the bill is limited to only those liens obtained by a governmental entity. Further, as amended, the bill would allow these liens to be created on a property regardless of the lien amount if obtained in any Davidson County Court and registered.



**HB 1735** (Brooks, Harry) – This bill authorizes utility district commissioners in Union and Grainger counties to receive per diem payments of up to \$250 per meeting for a maximum of twelve meetings per year.

**HB 1938** (Brooks, Harry) – This bill authorizes local school boards to set up evening alternative schools for students in Grades six through twelve. It reduces from 16 years to 11 years the minimum age of students for which boards of education are authorized to establish night schools.. As amended in Education, the word "high" in section 49-6-501(b) is removed thus making the bill applicable for grades six through twelve.

**HB 1930** (Hackworth) – This bill designates the Solway Bridge spanning the Clinch River between Anderson and Knox Counties on State Route 62 as the Dr. Herman Postma Memorial Solway Bridge. Designating signs shall be erected only if Knox County manufactures and erect such signs or remits the estimated cost to the Department of Transportation.

**HB 505** (McKee) – This bill designates State Route 305 in its entirety as the Clyde Webb Highway. (Clyde Webb was a former member of the TN House of Representatives.) The bill, as amended in Transportation, stipulates that the funding for the manufacture and erection of such signs will be paid from the Highway Fund.

**HB 30** (McDonald) – This bill designates a certain bridge on State Highway 25 in Sumner County as the Leon Shoulders Memorial Bridge. Designating signs shall be erected only if non-state funds are used to manufacture and erect such signs.

**HB 104** (McDonald) – This bill provides for a segment of US Highway 31E in Sumner County to be designated as the David Mandrell Memorial Highway and directs the Department of Transportation to manufacture and erect suitable signs. The signage will be paid out of the highway fund, as is provided in TCA §54-1-133. Detective Mandrell was killed in the line of duty while in service of the Sumner County Sheriff's Dept.

### **The Budget Subcommittee**

The Budget Subcommittee met on Wednesday, March 30, 2005 to take up 34 bills on the committee calendar. The following actions were taken:

#### **Bills Taken Off Notice:**

**HB 1973** (McKee)

#### **Bills Deferred for One Week after being amended with Budget Subcommittee Amendments:**

**HB 596** (Curtiss) w/ BSA#1 adopted -- This amdt. is the same as the Senate FWM Amdt. No. 1; it specifies that the Commissioner of Gen. Svcs. shall have the authoritative power to determine if the purchasing specifications need to be changed in order for the State to be eligible to purchase remanufactured office materials, supplies, and equipment.

**HB 1210** (Bowers) w/BSA#1 adopted – This amdt. changes the offense of domestic violence to one of a violation of a protective order, increasing the penalty from a Class C misdemeanor (for domestic violence: up to 30 days in jail and/or ≤\$50 fine) to a Class A misdemeanor ( for violating an order of protection: up to 11 mos. 29 days in jail and/or fine ≤\$2,500). It also states that being arrested or having an arrest warrant issued against the offender shall not invalidate or change the enforceability of any order of protection or restraining order.

#### **Bills Deferred for One Week**

**HJR 16** (Miller, L.)

**HB 2088** (Briley)

**HJR 143** (Matheny)

**HB 1107** (McMillan)

**HB 1952** (Bone)

**HJR 89** (Cooper, B.)

**HJR 93** (Cooper, B.)

**HB 671** (Maddox)

**HB 2140** (Tidwell)

**HB 750** (Winningham)

Bills Deferred for Two Weeks

**HB 1104** (McMillan)

**HB 1587** (McMillan)

**HB 2128** (McMillan)

**HB 2007** (Overbey)

**HB 1257** (Turner, M.)

Bills Placed Behind the Budget:

**HB 52** (Matheny)

**HB 2126** (McMillan)

**HB 363** (Newton)

**HB 1705** (Shepard)

Bills placed on Special Calendar (License Plates)

**HB 1872** (McCord)

**HB 1821** (Rinks)

Bills placed on Special Calendar (Study Committees)

**HJR 115** (Bone)

Bills referred to Full Committee:

**HB 207** (Briley) – This bill increases payment to a sequestered juror from \$10 to \$30 per day. Currently, a sequestered juror is treated the same as a regular juror, receiving only \$10 a day as a base payment for services rendered on the jury.

**HB 449** (Briley) –As amended in Consumer and Employee Affairs, nonprofit health clubs would be exempt from requirements from the Health Club Registration Act if they or their successors qualify for the amusement tax exemption or if they are operated as a part of a licensed nonprofit hospital that is exempt from property taxation.

**HB 2287** (McMillan, Coleman) – This is the Governor's *Tennessee Job Growth Act of 2005*, which establishes "FastTrack infrastructure development and job training assistance programs" within the Dept. of Economic and Community Development (ECD). These programs would assist new and existing busi-

nesses and industries to locate or expand in the state and create or retain jobs. This bill creates the "FastTrack infrastructure development and job training assistance fund" (FTF). It authorizes five percent (5%) of the FTF to be used for program administration, marketing expenses, and program evaluation, and authorizes any interest earned on the FTF to accrue to the FTF. It, further, requires the Commissioner of ECD to report FTF appropriations to the Commissioner of the Dept. of F&A on a quarterly basis and to provide copies of the report to the Speaker of the House, Speaker of the Senate, the Chairmen of the Finance, Ways and Means Committees, and the State Comptroller. The bill establishes eligibility requirements for FTF grants and loans and defines eligible business and industrial infrastructure for the purpose of eligibility requirements. It establishes a \$750,000 limit per eligible business within any three (3) year period.

**HB 37** (Newton) – As amended in State and Local Government, this bill broadens the types of surplus computer and electronic equipment that are made available to LEAs. This bill, as amended, also provides the process for disposing of such equipment. (The Senate S&L Govt. Amdt #1 is similar to House S&L Govt. Amdt #1, except the House version has a 1-year minimum business experience requirement of the contracted electronic recycling company.)

**HJR 216** (Naifeh, McMillan, et.al.) – This HJR expresses the displeasure and dismay of the 104th General Assembly of the State of Tennessee with the unprecedented level of the Federal Debt and our nation's increasing dependency on foreign funding to cover the expanding budget deficits. A copy of this resolution shall be transmitted to the Speaker and Clerk of the United States House of Representatives; the President and Secretary of the United States Senate; each member of the United States Congressional delegation, and each member of the Tennessee Congressional delegation.

**HJR 217** (Naifeh, McMillan, et.al.) -- This HJR urges Congress to carefully assess the possible →

impacts upon the Social Security system and this nation's national debt inherent in the funding of proposed private investment accounts for younger workers. A copy of this resolution shall be transmitted to the President, the Vice President, the Secretary of the United States Senate; the Speaker and the Clerk of the United States House of Representative, and each member of the Tennessee Congressional delegation.

**HB 560** (Bunch) -- This bill designates a certain underpass on U.S. Highway 64 in Bradley County as the Coach John Peterson Underpass. Designating signs shall be erected only if nonstate funds are paid to the Department of Transportation to manufacture and erect such signs.

**HB 1826** (Rinks) -- This bill authorizes Hardin County to levy hotel/motel taxes within its municipalities and authorizes the municipalities to levy hotel/motel taxes in addition to any such taxes imposed by the county.

**HB 2171** (Winningham) -- This bill creates the North East Tennessee Railroad Authority to provide transportation in Anderson, Campbell and Scott Counties. As amended in Transportation, the amount of money that the Authority can spend on purchases of equipment, apparatus, materials, or supplies, *or* for the construction, installation, repair or improvement of property or facilities, without having to solicit bids, was raised from \$500 to \$5,000.



# Government Operations

Kristina Ryan

The **Government Operations Committee** met on Wednesday morning to discuss fourteen bills on the calendar. Ten bills were up for review for other standing committee and the remaining four bills were sunset bills. **HB 700** by Representative Sherry Jones was deferred for two weeks, **HB 899** by Representative Cooper was taken off notice and **HB 1438** by Representative Kernell was rolled for one week. The committee adjourned early for a bill signing so only four bills were considered and the remaining bills were rolled to next week's calendar.

The committee discussed at length **HB 46** by Representative Miller before deferring the bill for two weeks. Under this legislation, professional athletes and coaches would be charged an annual \$400 professional privilege tax. The Department of Commerce and Insurance would be authorized rulemaking authority in order to enforce the provisions of this legislation.



*Rep. Miller*

The committee reviewed and referred **HB 1408** by Representative Baird to the Education Committee. This legislation establishes the "Tennessee Student Health Act", which would require Local Education Agencies to create a student health advisory council that would coordinate a physical education curriculum for K-8 students. The Commissioner of the Department of Education would have the authority for promulgating rules and regulations for this bill.

**HB 529** by Representative Mumpower was reviewed and referred to the Transportation Committee. This legislation authorizes the use of "RV Friendly" markers into the specific sign program for businesses who cater to RV users. The Department of Transportation would be responsible for promulgating rules in order to implement this legislation.

The committee reviewed and referred **HB 2176** by Representative Rowland to the Health and Human Resources Committee. Under this legislation, retired or inactive physicians would be allowed to apply for a special license to engage in volunteer service for humanitarian or benevolent service projects that are located outside of the state. The Board of Medical Examiners would be responsible for issuing these special licenses as well as promulgating rules and regulations.

## Special Meetings

**State Government Special Ethics Calendar: April 5th 9:30 am**

**Domestic Violence, Stalking, Meth Task Forces: April 5th 11:30 am**

# Health and Human Resources

Judy Narramore

## Full Committee

The **Health & Human Resources Committee** met on Tuesday, March 29, 2005, to consider eight bills. The committee also heard a presentation by Diane Hall, RN, concerning disease management. Rep. Bowers discussed **HB 0038** as amended (employers to report on TennCare enrollees) and then rolled the bill two weeks for consideration of additional amendatory language. Rep. Davidson requested that **HB 0062** (requires informed consent documentation, including written and oral presentations with a non-biased third party witness present, for any research involving human subjects) be rolled three weeks. **HB 0216** by Rep. Briley as amended that concerns drop-in day care centers was referred to C&R 16-5 on a roll call vote. This bill increases the number of hours per day a child can stay in a drop-in center from six to seven and the hours per week from 10 to 14, allows a drop-in center to operate in the evenings and on weekends, allows a drop-in center to operate on snow days, and removes the existing provision that prohibits parents from using drop-in centers when going to work. The Public Health Subcommittee amendment to HB 0216 authorizes the Department of Human Services to determine whether a drop-in center is appropriate and safe for school-age children on snow days, prohibits children 13 years or older from being cared for by a drop-in center on a snow day, and requires drop-in centers to provide a listing of trained staff available for emergency staffing. An amendment offered by Rep. Favors to remove separate licensure for drop-in centers and to permit day care centers to operate a drop-in program for parents needing child care for short periods of time failed 5-14-2 on a roll call vote. Rep. Odom rolled **HB 0479** (prescribing privileges for psychologists) two weeks. **HB 1401** by Rep. Armstrong as amended that establishes criteria for the creation of branch offices by a facility operated for the provision of alcohol and drug prevention and treatment services was referred to FW&M. Offices providing such services will be classified as either a parent office or branch office and only one license will be required for the parent and its related branch offices. The amendment excludes residential treatment facilities

and non-residential methadone treatment facilities from the creation of branch offices, sets a 100 mile distance from the parent office to a branch office, establishes supervisory and administrative duties of the parent office, requires quarterly staffing reports from branch offices, and specifies that the aggregate fees collected by the branch office system be equal to the fees currently collected by the Board for Licensing Health Care Facilities. **HB 1748** by Rep. Shaw that allows evidence of 20 or more years practice and licensure in good-standing in another state in lieu of the three year residency training requirement for licensure of international medical school graduates was referred to FW&M. **HB 1945** by Rep. Borchert as amended that authorizes home care organizations to act on signed physician orders that are transmitted by electronic mail was referred to C&R. **HB 2030** by Rep. Odom as amended was referred to C&R. The amendment rewrites the bill to include certain institutions as acceptable sources of curriculum for massage therapy, deletes provisional licensure for certification exam applicants, authorizes students graduating prior to September 1, 2005, to receive a license without examination, and requires publication of exam passage rates.

## Mental Health Subcommittee

The **Mental Health Subcommittee** did not have bills on notice and did not meet Tuesday morning.

## Health Care Facilities Subcommittee

The **Health Care Facilities Subcommittee** met Tuesday afternoon, March 29<sup>th</sup>, with one bill and one resolution on calendar, referring both to full committee. **HB 0096** by Rep. Overbey as amended requires a LTCF to disclose whether such facility has liability insurance and the identity of the insurance carrier. This information will be disclosed in writing as part of the pre-admission process to LTCFs, as well as on a sign posted at the main entrance to such facilities. →

## **Health Care Facilities Sub, continued**

**HJR 0150** by Rep. Bone urges the Center for Medicare and Medicaid Services to revise its reimbursement schedule to rural hospitals for pre-hospital emergency medical systems.

## **Public Health & Family Assistance Subcommittee**

The **Public Health & Family Assistance Subcommittee** met Wednesday morning, March 30, 2005, to consider 10 bills. Rep. M. Turner took **HB 0146** (sale of prescription drugs to retail pharmacies) off notice. Rep. Armstrong requested that **HB 0859** (exception to time-frame to complete the U.S. Medical Licensing Exam) be rolled one week. **HB 0863** by Rep. Marrero as amended that allows a student with anaphylaxis to self-administer medication on school property or at a school-related event subject to parental and health care provider authorization was referred to full committee. The amendment corrects a typographical error in the printed bill. Rep. Marrero rolled **HB 0865** ("Emergency Care for Rape Victims Act of 2005") one week. **HB 0995** by Rep. Vaughn that requires state agencies to notify the Department of Health of persons who have been found by such agencies to have committed abuse, neglect, or misappropriation of property of a vulnerable person in accordance with abuse registry statute. Rep. Casada requested that **HB 1383** ("Pharmacist's Freedom of Conscience Act") be taken off notice. **HB 1682** by Rep. Marrero that would allow a transgender individual born in Tennessee to change the sex designation on their birth certificate failed 3-4-1 on a roll call vote. Rep. Rinks requested that **HB 1825** (cosmetology work permit) be rolled one week. **HB 1975** by Rep. McKee was rolled one week after adopting an amendment that authorizes the Bureau of TennCare to negotiate and contract directly with pharmaceutical manufacturers in the interest of implementing rebates or other cost saving measures. **HB 2297** by Reps. McMillan, Sontany that makes changes to existing child care statute, including licensure requirements, fee schedules, licensing fees, vehicles used for transporting children, advisory council meetings, licensure exemptions, and public child care agencies was referred to full committee.

## **Professional Occupations Subcommittee**

The **Professional Occupations Subcommittee** met at noon on March 30<sup>th</sup> with 10 bills on notice. Rep. Shepard rolled **HB 2324** (generic drugs) two weeks. Rep. McMillan requested that **HB 1097** (multistate drug purchasing pool) and **HB 1096** (importation of prescription drugs from Canada for TennCare) be rolled to the last calendar. **HB 2293** by Reps. McMillan, Armstrong that authorizes the Division of Health Related Boards and each board, committee or council established in Title 63 (Healing Arts), the medical laboratory board, the board of alcohol and drug counselors, and the Tennessee emergency medical services board to utilize screening panels in their investigative and disciplinary process was referred to full committee. **HB 1656** by Rep. Maddox (licensing requirements for podiatrists) was rolled one week. Rep. Odom took **HB 2070** (massage therapists' competency exam) off notice. **HB 0896** by Rep. Kernell that concerns registration of speech language pathology assistants with the Board of Communication Disorders and Sciences was referred to full committee. Rep. McKee requested that **HB 0174** (complementary or integrative health care treatment) be rolled one week. **HB 1410** by Rep. Shepard as amended that enacts the "Tennessee Affordable Drug Act of 2005" was referred to full committee. **HB 1410** as amended today changes the definition of generic equivalent, authorizes a pharmacist to dispense the generic equivalent of a brand name drug unless the provider determines that a brand name drug is medically necessary and writes, or otherwise indicates by circling or initialing,

"Dispense as written – brand name medically necessary" on the prescription, authorizes a pharmacist to dispense a therapeutic alternate covered under the patient's formulary or preferred drug list if the provider has written "Therapeutic substitution allowed" on the prescription, requires notice by a pharmacist to a provider when a therapeutic alternate is dispensed, requires a pharmacist



***Rep. Shepard***



## Professional Occupations Sub, continued

to note generic equivalent and therapeutic alternate substitutions on the prescription label, and requires all pharmacies to post a sign indicating state law requires a pharmacist in some cases to dispense a generic equivalent or therapeutic alternate. **HB 0465** by Rep. Odom as amended that requires a surgical technologist employed under alternative

qualifications for employment statute to demonstrate continued competence in their profession and requires their employer to maintain evidence of such competence was referred to full committee.

## Judiciary

Jamie Wyatt

On Tuesday, the **Full Judiciary Committee** met to discuss eighteen bills. HB 142 by Rep. Turner and HB 16 by Rep. Newton were taken off notice. HB 57 by Rep. Shaw was sent to Judiciary's Summer Study Committee to take a comprehensive look at the child safety laws of the state. HB 417 by Rep. Matheny, which allows a general sessions judge to appoint a special referee to hear forcible entry and detainer actions between landlords and tenants, was also sent to Summer Study.

The following bills were approved for passage and **referred to Calendar & Rules**:

**HB 698** by Rep. Pleasant requires an applicant for a handgun carry permit to be a U.S. citizen in addition to current requirements.

**HB 471** by Rep. Odom permits licensed physician assistants and physicians except radiologists, pathologists, and anesthesiologists to form and own shares in a professional corporation and limited liability companies.

**HB 316** by Rep. Lynn, as amended, makes it an offense for any chief medical examiner, county examiner, or pathologist, or any agent or employee thereof to contract with or grant an unauthorized person or entity to photograph, videotape, or capture visual images or audio recordings of a deceased human body or autopsy.

**HB 2262** by Rep. McMillan, as amended, revises provisions governing ineligibility for pretrial diversion and judicial diversion for persons convicted of DUI. This bill clarifies that no person convicted of DUI would be eligible for suspension of sentence or probation until time served is day for day of minimum sentence.

**HB 2272** by Rep. McMillan, as amended, adds the Department of Agriculture and the Department of Environment and Conversation to the current list of entities that are required to keep and treat criminal investigation files as confidential and not open to inspection by members of the public. Identifying information about a confidential informant will remain confidential even when records cease to be confidential due to an investigation being closed by the department or the court ordering proceedings concluded and appeal exhausted.

The following bills were approved for passage and **referred to Finance**:

**HB 1701** by Rep. Langster, as amended, reduces the fiscal note substantially and sets out the definition of stalking expanding it to include reasonable fear of an assault, →

## **Judiciary, continued**

sexual offenses, injury or death to not only the victim, but victim's immediate family. Also, the bill defines additional language used in the bill. The only difference between the current law and this bill, other than clarification, is the classification of the second or subsequent offense and the timeframe of a second or subsequent offense. The bill expands the timeframe of the second or subsequent offense from 7 years to a 10 year period and makes it a Class D felony instead of a Class E felony for a second or subsequent offense involving any victim. Punishment for a first offense will continue to be a Class A misdemeanor.

**HB 857** by Rep. Newton increases the scope of sexual battery by an authority figure to include a defendant in a position of trust over the victim.

**HB 1121** by Rep. McMillan, as amended, revises the TN Limited Liability Company Act by means of creating the TN Revised Limited Liability Company Act. The Act sets out unwaivable provisions, requirements for articles of organization and operating agreements, change in request for records inspection, types of allowable management of LLC, development of a family LLC, dissolution and winding up changes. The first amendment serves as a rewrite of the bill and the second amendment provides no substantive changes.

**HB 1010** by Rep. Fowlkes, as amended, establishes uniform statewide flat fees for court costs in civil and criminal cases, standardizes clerks' commissions, and changes distribution of privilege taxes to the various special funds by converting existing funds distribution into percentages. The amendment rewrites the bill and among the changes it lowers filing fees for civil cases, clarifies fees for a divorce with and without minor children, charges for traffic citations and adds an additional fee of \$2.00 to the current \$5.00 continuance fee for courtroom security.

### House Bills rolled 1 week:

HB 2061 by Rep. Todd  
HB 2111 by Rep. Fowlkes

### House Bills rolled 2 weeks:

HB 770 by Rep. McCord  
HB 570 by Rep. Towns  
HB 1563 by Rep. Buck was rolled for 2 weeks and two amendments were adopted.

## **Civil Practice & Procedure Subcommittee**

On Tuesday, the Civil Practice and Procedure Subcommittee met to consider sixteen bills. HB 1274 by Rep. Stanley was rolled two weeks. HB 657 by Rep. Kelsey failed.

The following bills were approved for passage and **referred to Full Committee:**

HB 252 by Rep. Stanley, as amended, requires the suspension of the license of a driver who has contributed to the occurrence of an accident on school property or on a highway with special speed limits resulting in serious bodily injury to child. Amendment 1 rewrites the bill and amendment 2 states provisions will not apply to a school bus driver if at the time of the accident there is a policy or rules regulating circumstances driver is prohibited.

HB 683 by Rep. Overbey creates the TN Trauma Center Funding Law of 2005 and directs trauma care advisory council to provide recommendations to the department of health on trauma center funding and allocations.

Funding will be based on the number of trauma patients served by the hospital. There is no current state funding



***Rep. Overbey***

for these centers. **Judiciary, cotinued**

HB 779 by Rep. Clem, as amended, clarifies the current law by stating no suits can begin in any court in the state to invalidate tax title after 3 years have passed from the time the land was sold, except in the case of persons under disability, who have one year after disability is removed. It also allows the purchaser of land sold for taxes to file suit to quiet title any time after one year from the time land was sold.

House Bills rolled 1 week:

HB 29 by Rep. Newton  
HB 735 by Rep. Hargett  
HB 976 by Rep. Campfield  
HB 1362 by Rep. Overbey  
HB 1004 by Rep. Fowlkes  
HB 1577 by R. Johnson

Off notice:

HB 884 by Rep. DuBois  
HB 950 by Rep. Cochran  
HB 1428 by Rep. West  
HB 1005 by Rep. Fowlkes  
HB 1009 by Rep. Fowlkes

**Criminal Practice & Procedure Subcommittee**

On Tuesday, the Criminal Practice & Procedure Subcommittee met to consider eight bills. The task forces established to deal with the number of stalking, meth, and domestic violence bills will meet April 5<sup>th</sup> at 11:30 in room 31. A list of the bills assigned to each task force can be obtained through the House Judiciary Committee Office. HB 1249 by Rep. Godsey was rolled to the last calendar of the subcommittee of this year.

The following bills were approved for passage and **referred to Full Committee:**

HB 291 by Rep. Hackworth, as amended, expands the areas of the Drug Free School Zone to include child care agencies, public libraries, recreational centers, parks, preschools, secondary schools as well as imposes additional monetary fines for offenders.

HB 495 by Rep. DuBois makes it a criminal offense for a public servant to intentionally, knowingly misrepresent information in the course of employment to an auditor in the department of audit. Some questions were raised as to what department and how a public servant is defined, which should be resolved in full committee.

House Bills rolled 2 weeks:

HB 870 by Rep. J. DeBerry  
HB 994 by Rep. Vaughn

Domestic Violence Task Force:

HB 151 by Rep. Turner  
HB 563 by Rep. Towns

Stalking Task Force:

HB 200 by Rep. Eldridge

**Constitutional Protections Subcommittee**

On Wednesday, the Constitutional Protections Subcommittee met to consider nine bills. April 20<sup>th</sup> will be the last calendar date the Constitutional Protections Subcommittee will meet. HB 866 by Rep. Sharp was taken off notice. HB 1358 by Rep. Gersham was sent to the Judiciary Summer Study Committee.



**Rep. Gresham (file photo)**

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### **Constitutional Protections, continued**

The following bills were approved for passage and **referred to Full Committee**:

- HB 597 by Rep. Curtiss, as amended, authorizes criminal background checks by public, private or volunteer fire department, fire prevention and local investigation bureaus as a condition of employment of any paid or volunteer fire protection personnel applicant or current employee. The amendment states that departments that choose to do checks must establish a policy, initiate only after an employment or appointment, and maintain reports for the duration of employment plus one year.
- HB 1557 by Rep. Overbey, as amended, states there is no implied promise of confidentiality nor any liability for disclosing medical information in response to a subpoena, court order, or request authorized by the state or federal law if permitted or required under the law.

#### House Bills rolled 2 weeks:

HB 1721 by Rep. L. Turner  
HB 1722 by Rep. L. Turner  
HB 180 by Rep. R. Johnson

#### House Bills rolled 3 weeks:

HB 655 by Rep. L. DeBerry  
HB 1239 by Rep. Casada

### **Judicial Administration Subcommittee**

On Wednesday, the Judicial Administration Subcommittee met to consider six bills. HB 173 by Rep. McKee was rolled one week.

The following bills were approved for passage and **referred to Full Committee**:

HB 1000 by Rep. Fowlkes creates 18 new assistant public defender positions in both the 20<sup>th</sup> and 30<sup>th</sup> judicial districts in a manner consistent with the most current case weighting study.

HB 1008 by Rep. Fowlkes creates 17 additional assistant district attorney general positions based on a report prepared by the executive director of the district attorneys general conference and the administrative director of the courts in consultation with the comptroller.

#### Off notice:

HB 541 by Rep. Bunch  
HB 967 by Rep. Briley  
HB 2112 by Rep. Fowlkes



## State and Local Government

Lawrence Hall, Jr.

This week in the State and Local Government **full committee** the committee considered **HB 2270**, by Rep. Langster. This bill revises the requirements regarding the cost of supervising parolees and probationers. This bill requires that individuals on work release pay an additional \$5.00 per month. The bill passed to Finance, Ways, and Means. HJR 98, by Rep. Fowlkes, will extend the terms of office for members of the house of representatives from 2 years to 4 years. This bill passed to Finance, Ways and Means. **HB 991**, by Rep. Vaughn, passed to Finance, Ways and Means. This bill requires all persons who drive emergency vehicles to participate in at least 2 hours of emergency vehicle training per year. **HB 2064**, By Rep. Marrero, will allow the county register in Shelby County to assume the duties of the microfilm, public records, and archives departments. This bill passed to Finance, Ways, and Means. **HB 664**, by Rep. Harwell, will allow a member of a municipal governing body to participate in a meeting by electronic means. This bill passed to Calendar and Rules.

### State Government Subcommittee

This week in State Government Subcommittee, HB 1585, by Rep. McMillan, was the only bill passed to

full committee. This bill will permit the commissioner of general services to waive the fee that agencies are required to pay when disposing of computer equipment.

### Local Government Subcommittee

This week in Local Government Subcommittee, HB 818, by Rep. McKee, makes it clear that when a sheriff is notified to transfer an inmate to the department of corrections and does not promptly make such transfer, then the reimbursement payments to such counties will be withheld. This bill passed to full committee. HB 1067, by Rep. Mumpower, as amended, places the definition of beer in the code. This definition will mirror the definition established by federal law. This bill passed to full committee.

### Elections Subcommittee

This week in Elections Subcommittee the committee passed one bill to full committee. HB 961, by Rep. Fitzhugh, increases the salary of a certified administrator of election from 80% to 90% of the salary of county assessor of property.

## Transportation

Rachel Thomas

### Full Committee

The **House Transportation Committee** convened on March 29, 2005, to consider five bills. Action on **HB 699** (Pleasant) was deferred for one week, whereas action on **HB 320** (Davidson) was deferred for two weeks. The following bills were passed by the

committee and will be considered by the House Finance, Ways, and Means Committee:

**HB 821** (Pleasant)—As amended, this bill requires that every driver of a motor vehicle exercise due care

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### **Transportation, continued**

to avoid collisions with any object in the road.

**HB 1846** (Bone)—As amended, this bill allows regional transportation authorities to borrow money for mass transit projects, pledging anticipated forthcoming grants or assessments.

**HB 2306** (McMillan/Pinion)—Brings Tennessee into federal compliance with various standards regarding commercial driver's licenses.

### **Public Safety & Rural Roads Subcommittee**

The **Public Safety & Rural Roads Subcommittee** met March 29, 2005, to consider ten bills. Action was deferred on **HB 191** (Hackworth) for one week. **HB 652** (L. Miller), **HB 1574** (West), and **HB 1576** (West) were taken off notice. Representative Borchert's **HB 1606** was withdrawn.

The following bills were referred to the full Transportation Committee:

**HB 456** (Davidson)—As amended, this bill repeals the motorcycle helmet law in Tennessee.

**HB 590** (Curtiss)—As amended, this bill requires the Department of Safety to withhold payment for abstracts of license revocation proceedings if they are not forwarded to the department within 30 days.

**HB 1376** (Pinion)—Authorizes local governments to own or operate a hot mix asphalt plant if they can demonstrate a need for the facility.

**HB 1993** (Davis)—Empowers Norfolk Southern Railway to abandon seven tracts of land in Washington County

**HB 2054** (Brooks, Shelby)—As amended, this bill prohibits drivers with a learner's permit from talking on a cellular telephone while operating a vehicle.

### **Public Transportation & Highways Subcommittee**

The **Public Transportation & Highways Subcommittee** met on March 29, 2005. Action on **HB 169** (M. Turner), **HB 1423** (West), **HB 1430** (West), and **HB 476** (Odom) was deferred for one week. Representative Ferguson's **HB 32** was placed on the subcommittee's last calendar. **HJR 242** (Pinion), which names a bridge in east Dyer county the "Veterans' Memorial Bridge," was voted to full committee.

## **Budget Hearings Department of the Military**

On March 8th, the Finance, Ways and Means committee reviewed the proposed FY2005-06 budget for the Military Department of Tennessee. The department provides leadership and direction, and is organized into three functional areas which include: administration, the Army and Air National Guard and Emergency Management Agency (TEMA). The Department also maintains the war records of all Tennessee soldiers as well as Army National Guard armories across the state.

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The Guard may also be mobilized to assist in rescues, disasters and riots. Currently there are 29 units on active duty. Approximately 4000 service members, representing 30% of personnel are mobilized and deployed in over 50 countries, including Iraq. 139 of the active duty members are state employees.

	<b>Base 2005-2006</b>	<b>Improvement 2005-2006</b>	<b>Recommended 2005-2006</b>
Full-Time	433	0	433
Part-time	0	0	0
Seasonal	12	0	12
<b>Total</b>	<b>445</b>	<b>0</b>	<b>445</b>
Payroll	20,850,000	0	20,850,000
Operational	88,976,800	1,357,200	90,334,000
<b>Total</b>	<b>\$109,862,800</b>	<b>\$1,357,200</b>	<b>\$111,184,000</b>
State	9,387,400	1,357,200	10,744,600
Federal	98,065,400	0	98,065,400
Other	2,374,000	0	2,374,000

### **Federal Funding and Improvements**

The state will contribute \$9,387,400.00 and receive \$98,065,400.00 in federal funding. \$2,374,000.00 of the budget will come from other sources. The Department's two request for improvements are for federal funding totaling \$1,327,200 that will cover operational costs.

### **Education and Recruitment**

The Montgomery GI bill continues to be the primary source of educational funding for Tennessee Guardsmen. According to Gen. Hargett, 91% of the students using funding are part-time guardsmen.

Recruitment remains steady. The Guard recruited more high-school students last year than they have in the last three years. Gen. Hargett pointed out, however, that recruiting females continues to be a problem which the department is addressing.

### **TEMA**

TEMA is responsible for directing and assisting state and local governments in times of man-made or natural disasters. In FY2005-06 the agency will receive \$2,390,600.00 in base funding from the state, \$7,610,200.00 in federal funding and \$929,100.00 from other sources. The agency will also receive \$5,000,000.00 in federal disaster relief grants. Last year, TEMA spent \$65,000,000 in emergency management as a result of two presidential declared disasters.